



Response to Restriction Requirement	Application No.:	09/884,723
	Appl'n Filing Date:	June 19, 2001
	Examiner:	James A. G. CURCIO
	Art Unit:	2132
	Attorney Docket:	1999-0255
	First Inventor:	Yi HONG
	Title of Invention:	PROPOSED SUITE OF METRICS FOR THE SOFTWARE INDUSTRY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient first class postage as first class mail, addressed as set forth above, on the date shown below.

Signature of Raymond C. Glenny:

Date: August 25, 2004

Sir:

In response to the Office Action dated June 30, 2004 (PTO Prosecution History Paper No. not specified), Applicant submits the following Response.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 CFR, § 1.136(a); and any fees required for consideration of this paper and any papers associated with it (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. **50-2396 (Axiom)**.

REMARKS

Claims 1-21 remain pending in the application.

In the outstanding Office Action, the examiner has required restriction to one of four sets of claims:

Claim Set I: Claims 1-8
Claim Set II: Claims 9-15
Claim Set III: Claims 16-21
Claim Set IV: Claim 22

Response to Restriction Requirement

Applicant elects *Claim Set III: Claims 16-21*.

This election is made *with traverse* and it is submitted that Claims 1-21 should be examined on the merits. Especially, it is submitted that at least *Claim Sets III and IV* should both be examined on the merits, inasmuch as both claim sets relate to measuring complexity of nested state transition diagrams.

Reasons for traversal of Restriction Requirement: At the outset, it is noted that MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present case, the Office Action has not even identified separate classifications for the different claim sets, but instead asserts that all four claim sets should be classified in the very same subclass, namely, Class 717, Subclass 101. Accordingly, because that subclass must be searched in searching any *one* of the claim sets, that same search must inherently constitute a search for the all the *other* claim sets. Thus, it is respectfully submitted that there is no serious burden in searching and examining all four claim sets.

Further, because electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without significant additional effort, greatly facilitating the prior art search and the consideration of both component and process claims.

Moreover, it is not seen how Applicant's specification supports the Office Action's assertion that the different claim sets are "related as subcombinations disclosed as usable together in a single combination" [June 30, 2004 Office Action at paragraph 2]. Applicant thus does not acquiesce in the Office Action's assertion, and request that the examiner point out where the use of the alleged subcombinations is disclosed as usable together in a single combination.

Accordingly, Applicant respectfully requests that the Restriction Requirement be withdrawn and all pending claims, especially Claims 16-22, be examined at this time.

Change of Correspondence Address; New Associate Attorney

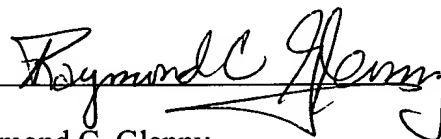
A "Revocation of Associate Power and Appointment of Attorney and Change of Correspondence Address" is filed herewith. The Appointment recognizes the undersigned attorney to prosecute the case. It is requested that the examiner verify that the address information has been entered into the PTO mailing system so that future communications will be mailed to the correct address.

Favorable examination on the merits of all claims is earnestly solicited.

Respectfully submitted,

Date: August 25, 2004

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